

Reexamination Control Number 90/006,090  
Reissue Application Number 10/626,486  
Response dated 29 November 2006  
Reply to Office Action of 29 September 2006

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Remarks

This paper is being filed in response to the Office Action mailed on 29 September 2005 in Reexamination Proceeding 90/006,090. A copy of this paper is also being filed in Reissue Application 10/626,486. These two proceedings were merged pursuant to the Decision mailed on 23 May 2005.

In this response, Applicant has not amended the claims, has not added any new claims, and has not cancelled any claims. Therefore, Claims 1-23 remain pending in this application. Claims 1 and 14 are independent.

Claims 1-23 stand rejected as being based upon a defective Reissue Declaration. Submitted herewith is a Supplemental Reissue Declaration that identifies at least one error which is relied upon to support the reissue application, as required by 37 C.F.R. § 1.175(a)(1). The Supplemental Reissue Declaration submitted herewith also complies with the review and understand clause of 37 C.F.R. § 1.163(b)(2). Therefore, Applicant respectfully requests that these rejections to the Reissue Declaration be withdrawn.

Claims 1-23 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-30 of U.S. Patent 6,745,775. Applicant has submitted herewith a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c), and therefore respectfully requests that these double patenting rejections be withdrawn.

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Based on the foregoing, the Applicant submits that the issues raised in the 29 September 2006 Office Action have been fully addressed. However, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR LLP

Dated: 29 nov 06

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